

Technology Services



Erie 1 BOCES Education Campus
355 Harlem Road, West Seneca, NY 14224-1892
Tel (716) 821-7046 Fax (716) 821-7204

April 11, 2007

Federal Communications Commission
Office of the Secretary
445 – 12th Street, S.W.
Washington, DC 20554

“In the matter of Request for Review by Erie 1 BOCES of Decision of Universal Service Administrator” reference
CC Docket Nos. 96-45 and 02-6.

To Whom It May Concern:

We are writing to appeal the denial and/or reduction of (22) FRNs on FCC Form 471, Funding Year 2006.

Vital Information

Contact Name:	Patrick Doyle or Susan Melancon
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Applicant Name:	Erie 1 BOCES
Billed entity number:	149384
471 application number:	504046
FRN's:	1415064, 1415104, 1415121, 1415140, 1415197, 1418679, 1418718, 1418752, 1418850, 1418899, 1418971, 1423344, 1423412, 1423499, 1424232, 1424368, 1434190, 1434213, 1434233, 1434289, 1434334, 1434351

Explanation of Appeal

We are writing to appeal the decision by the Schools and Libraries Division (SLD) of the Universal Service Administration Co. to deny our appeal for the above referenced FRN's. The reason given for the denial was “Consortium leader has failed to provide evidence of authority to file Forms 471 on behalf of, or evidence of the membership of, all the members included in this consortium for all the services requested”.

Erie 1 BOCES is a consortium, representing 103 school districts in Western New York. The denial and/or rejection of these FRN's is not legitimate as Erie 1 BOCES, the Lead Agency of the consortium, did have authorization to apply for services on behalf of the consortium members. The SLD has already recognized the special relationship between BOCES and its districts as indicated by the state to state agency listings in the ESA guidelines. This acknowledges BOCES ability to serve as consortium leads on behalf of their school districts.

During the PIA investigation, the SLD asked to see the LOA's for our consortium. If any indication of a problem with the LOA's had been given, Erie 1 BOCES could have produced many proofs that establish authorization with every component district, such as contracts, service participation agreements, charter documents, and NY State law. Ultimately, the consortium leader was never given the opportunity to produce documents to establish authorization other than the LOA or to clear up any ambiguities the SLD had in regards to the services on these LOA's.

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Additionally, we have contracted these same services with these districts for many years. If asked, we could have provided alternate authorization in many forms including a proper LOA, existing services arrangements and/or letter of participation from all of these districts to show Erie 1 BOCES has authority to file for all their services on Form 471.

This appeal should be approved because Erie 1 BOCES has authorization from their component districts to file a Form 471. It is appropriate to further review the Erie 1 BOCES applications as we have documentation of that authorization in many forms including a proper LOA, existing services arrangements and/or letter of participation from every district in the consortium.

Based on this information we ask that you approve these FRN's as originally requested on the Form 471.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Patrick Doyle".

Patrick Doyle
Computer Support Technician, E-Rate Services